

OGC HAS REVIEWED.

14 January 1955

MEMORANDUM FOR: Chief, Finance Division

THROUGH : Chief, Passenger Movement Branch
Transportation Division/LO

SUBJECT : Charges for Shipment of Excess Amount of
Effects---[REDACTED] 25X1A9a
AO--67671

REFERENCE : Memorandum from Chief, Passenger Movement Branch,
Transportation Division/LO, dated 6 January 1955

25X1A9a 1. We have received for consideration the matter of the Agency's paying the sum of \$164.96 which has been levied against the effects of [REDACTED] as charges for shipping a quantity in excess of the prescribed allowances.

25X1C4d 2. The facts submitted indicate that [REDACTED], a military detail, 25X1A9a was assigned by this Agency to [REDACTED] as a GS-13, under cover as a civil-25X1A6a ian employee of the [REDACTED] that upon his reassignment to the United States he shipped a quantity of effects weighing some 5,850 pounds; that the weight limitation prescribed by the [REDACTED] 25X1C4d [REDACTED] for shipments by its civilian employees from the Far East Command is 2,000 pounds, net; that [REDACTED] effects have been held at the 25X1A9a Hampton Roads Sub Port of Embarkation pending the receipt of excess charges in the amount of \$164.96 since, as an ostensible civilian employee 25X1A9a [REDACTED] exceeded the prescribed weight allowance by some 3,850 pounds.

3. Section 6.7a of the Confidential Funds Regulations provides that military personnel assigned for duty with this Agency shall retain all monetary rights and benefits to which they would otherwise be entitled had they not been so assigned, except that travel, allowances and related expenses may be paid in accordance with Agency regulations applicable to civilian personnel, where such regulations provide benefits substantially similar or greater than military regulations. We believe that the thrust of this provision is to endorse the application of either the travel regulations of the individual's parent service or the Agency travel regulations in any given instance, but that it does not sanction the application of both sets of regulations at the same time i.e., it does not permit a military detail to select and combine the most desirable provisions of the two.

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4. Since the facts submitted do not indicate which set of travel authorities [REDACTED] used in returning to the United States, we are unable to give any firm advice regarding the propriety of expending Agency funds for the purpose suggested. But it is our opinion that, should it be determined that [REDACTED] travelled under the regulations of his parent service, payment of the charges here would be proper in view of the indication that his military rank would have entitled him to a weight allowance of 8,500 pounds, however should it be found that his return was effected under Agency travel regulations, then in such circumstances it would be proper to pay only that portion of the charges which can be allocated to the difference, if any, between the gross amount actually shipped and 3,000 pound gross weight limitation which in accordance with [REDACTED] par. 12 would be applicable to Agency employees.

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[REDACTED]
Office of General Counsel

OGC:RJB:ss

Attachments to

Distribution

Subject ✓

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